



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Improvement Agreement for Public Improvements of 1745 West Kettleman Lane Subject to Council Direction Regarding Reimbursable Costs; Appropriating Funds for Applicable Reimbursements (\$75,000); and Authorizing City Manager to Execute Associated Landscape Maintenance Agreements with Caltrans and the Developer

MEETING DATE: January 5, 2005

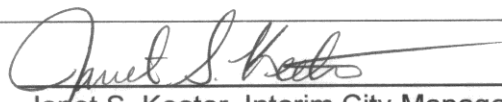
PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution taking the following action with regard to the development at 1745 West Kettleman Lane:

1. Approve the Improvement Agreement for the Public Improvements of 1745 West Kettleman Lane, subject to direction regarding reimbursable costs, and direct the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City.
2. Appropriate funds for applicable reimbursements.
3. Authorize the City Manager to execute an amendment to the Agreement for Maintenance of Landscape Area within State Highway Right of Way, State Route 12 in the City of Lodi with Caltrans, and a Maintenance Agreement with the developer covering developer's responsibilities for landscape improvements in the Kettleman Lane right-of-way.

BACKGROUND INFORMATION: The project site is located at 1745 West Kettleman Lane, as shown on Exhibit A. The development consists of a commercial office building.

As a condition of development, the developer is required to provide the design and construction required to underground all aerial facilities along the Kettleman Lane frontage of the project site. In order to provide for orderly development and to reduce costs and minimize the impact of construction activities on Kettleman Lane, City staff requested that the developer obtain the costs to underground the aerial facilities for the adjacent properties west of the subject property (APN 031-040-20 and 031-040-40) in conjunction with the subject development. This would complete the undergrounding of existing overhead utilities between Lakeshore Drive and Mills Avenue. The developer has complied with this request. Staff has reviewed the costs and determined that \$75,000 is needed to complete the underground work on the adjacent properties. Since the westerly properties are not developing at this time, the developer has requested that the City provide reimbursement for the cost of those improvements. Staff feels this is a reasonable request and seeks Council direction with regard to reimbursement by the City for this work. The City would be eligible for reimbursement for the costs of undergrounding the aerial facilities benefiting the adjacent properties (APN 031-040-20 and 031-040-40) in conformance with LMC 16.40 Reimbursements for Construction which provides for annual adjustments to provide for interest based on the Engineering News Record Construction Cost Index. The cost would be reimbursed by the developers of those two properties at the time of development. If Council elects to participate in the cost of undergrounding the utilities, staff requests that \$75,000 be appropriated to cover those costs. Staff has also placed an item on the Consent Calendar for the January 5 meeting to set the public hearing to establish the area of benefit for reimbursement to the City for these costs. To insure cost recovery, staff

APPROVED: 
Janet S. Keeter, Interim City Manager

Adopt Resolution Approving Improvement Agreement for Public Improvements of 1745 West Kettleman Lane
Subject to Council Direction Regarding Reimbursable Costs; Appropriating Funds for Applicable
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Agreements with Caltrans and the Developer

January 5, 2005

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has recommended there be no expiration date for the fees due under the area of benefit. Staff will modify the Improvement Agreement for the Public Improvements of 1745 West Kettleman Lane to reflect Council's direction on this matter.

Design and installation of street frontage improvements on Kettleman Lane is the developer's responsibility and is required with this project. The required improvements include curb, gutter, sidewalk, commercial driveway, side inlet catch basin, street pavement and streetlights. The listed improvements are included in the City's Kettleman Lane Gap Closure project that is currently under construction. The City is eligible for reimbursement for the costs associated with the Kettleman Lane improvements benefiting developer's property in conformance with LMC 16.40 Reimbursements for Construction. Staff has collected the required reimbursement (\$67,966.87) from the developer per Resolution 2004-220 for those improvements.

Private landscaping and irrigation improvements are to be installed along the Kettleman Lane frontage of the development. The landscape improvements are to be maintained by the property owner. The installation of landscape and irrigation improvements inside the Kettleman Lane right-of-way requires a Caltrans encroachment permit and maintenance agreement. Caltrans will not issue encroachment permits or enter into agreements with private parties for this type of work. Since the City has an existing maintenance agreement with Caltrans, Agreement for Maintenance of Landscape Area Within State Highway Right of Way, State Route 12 in the City of Lodi, approved by Council in December 2001 in conjunction with the Kettleman Lane median project, staff requests that Council approve the following actions:

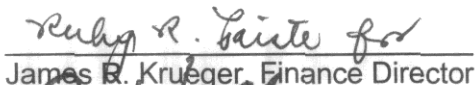
1. A Caltrans encroachment permit for landscape and irrigation improvements in the Kettleman Lane right-of-way being installed with the subject project shall be obtained by the City.
2. Authorize the City Manager to execute an amendment to the above-mentioned Caltrans maintenance agreement to include maintenance of those improvements.
3. Authorize the City Manager to execute a maintenance agreement with the developer covering the developer's maintenance responsibilities for the landscape and irrigation improvements in the Kettleman Lane right-of-way.

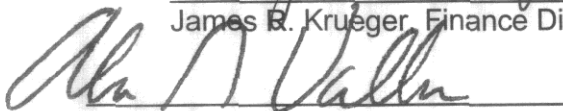
The developer has furnished the City with improvement plans, necessary agreements, guarantees and insurance certificate for the proposed project. The developer has also paid the Development Impact Mitigation fees (\$90,304.05), Kettleman Lane Lift Station Reimbursement fee (\$8,380.39), as well as the plan check, inspection, and other required fees (\$110,269.49).


Staff requests the appropriation of the funds listed below to cover the reimbursements to be paid by the City to the developer.

FUNDING: Electric Fund

\$75,000.00 (to be reimbursed pending approval of area of benefit)


James R. Krueger, Finance Director


Alan Vallow
Electric Utility Director


Richard C. Prima, Jr.
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer
RCP/LC/pmf
Attachment

cc: Electric Utility Director
David Wilson

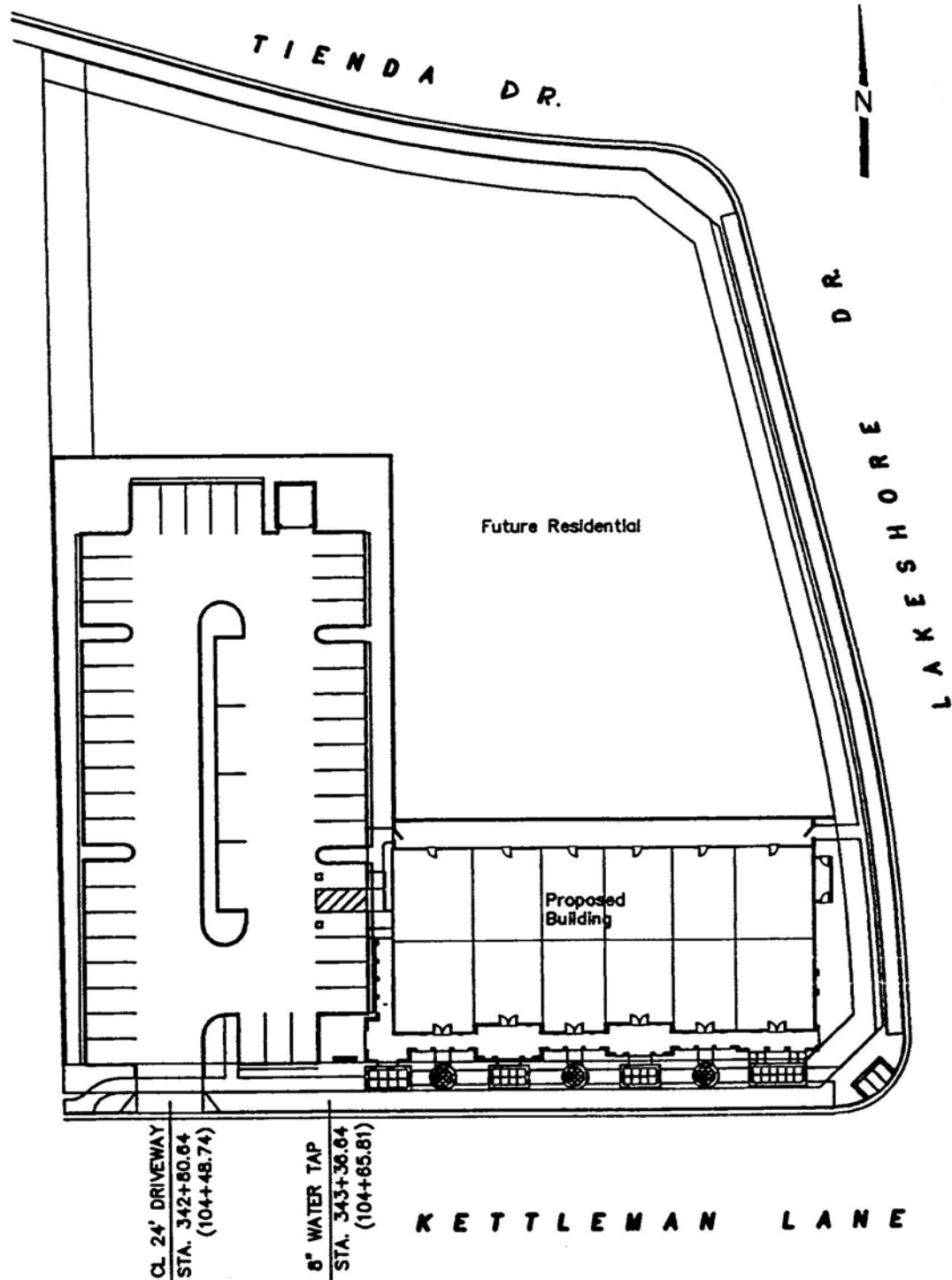
Senior Civil Engineer Fujitani
Dillon & Murphy

Senior Civil Engineer Welch
Professional Constructors, Inc.

J:\DEV_SERV\CC_Improvement Agreement_1745WKettleman.doc

12/22/2004

EXHIBIT A



NOTE:

STATIONING IS BASED ON CALTRANS IMPROVEMENT PLANS FOR THE "KETTLEMAN LANE GAP" PROJECT DONE BY MARK THOMAS & CO., INC.

STATIONING WITHIN PARENTHESES IS IN METERS
STATIONING NOT IN PARENTHESES IS IN FEET

DILLON & MURPHY
CONSULTING CIVIL ENGINEERS

ENGINEERING • PLANNING • SURVEYING
1820 W. KETTLEMAN LANE, SUITE E, LODI, CALIFORNIA 95242

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2005-04

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
IMPROVEMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS OF
1745 WEST KETTLEMAN LANE, AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AMENDMENT TO THE AGREEMENT FOR
MAINTENANCE OF LANDSCAPE AREA WITHIN STATE HIGHWAY 12
RIGHT-OF-WAY IN THE CITY OF LODI WITH CALTRANS AND A
MAINTENANCE AGREEMENT WITH THE DEVELOPER FOR
LANDSCAPE IMPROVEMENTS IN THE KETTLEMAN LANE
RIGHT-OF-WAY, AND APPROPRIATING FUNDS

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WHEREAS, as a condition of development, the developer is required to provide the design and construction required to underground all aerial facilities along the Kettleman Lane frontage of the project site; and

WHEREAS, in order to provide for orderly development and to reduce costs and minimize the impact of construction activities on Kettleman Lane, City staff requested that the developer obtain the costs to underground the aerial facilities for the adjacent properties west of the subject property (APN 031-040-20 and 031-040-40) in conjunction with the subject development, which would complete the undergrounding of existing overhead utilities between Lakeshore Drive and Mills Avenue, and the developer has complied with this request; and

WHEREAS, staff has reviewed the costs and determined that \$75,000 is needed to complete the underground work on the adjacent properties; and

WHEREAS, the westerly properties are not developing at this time and the developer has requested that the City provide reimbursement for the cost of those improvements; and

WHEREAS, the City would be eligible for reimbursement for the costs of undergrounding the aerial facilities benefiting the adjacent properties (APN 031-040-20 and 031-040-40) at the time of development of those properties in conformance with Lodi Municipal Code 16.40, Reimbursements for Construction, which provides for annual adjustments to provide for interest based on the Engineering News Record Construction Cost Index; and

WHEREAS, staff recommends appropriating \$75,000 to cover those costs, and further recommends setting a public hearing by separate action to establish the area of benefit for reimbursement to the City for those costs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi hereby finds as follows:

1. Approves the Improvement Agreement for the Public Improvements of 1745 West Kettleman Lane, subject to direction regarding reimbursable costs, and directs the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City.

2. That funds in the amount of \$75,000 be appropriated from the Electric Utility Fund for reimbursement to the developer for the undergrounding of aerial facilities on adjacent properties (APN 031-040-20 and 031-040-40).
3. Authorizes the City Manager to execute an amendment to the Agreement for Maintenance of Landscape Area within State Highway Right of Way, State Route 12 in the City of Lodi with Caltrans.
4. Authorizes staff to obtain a Caltrans encroachment permit for landscape and irrigation improvements in the Kettleman Lane right-of-way being installed with the subject project.
5. Authorizes the City Manager to execute a Maintenance Agreement with the developer covering the developer's maintenance responsibilities for the landscape and irrigation improvements in the Kettleman Lane right-of-way.

Dated: January 5, 2005

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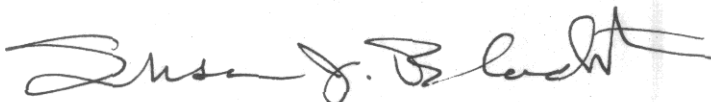
I hereby certify that Resolution No. 2005-04 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 5, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE L. MOUNCE

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

JANET S. KEETER
Interim City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEVEN SCHWABAUER
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

December 23, 2004

David Wilson
14428 Big Basin Way, Ste. A
Saratoga, CA 95070

Dillon & Murphy
P.O. Box 2180
Lodi, CA 95241-2180

Professional Constructors, Inc.
5635 Stratford Circle, Ste. C-45
Stockton, CA 95207

SUBJECT: Adopt Resolution Approving Improvement Agreement for Public Improvements of 1745 West Kettleman Lane Subject to Council Direction Regarding Reimbursable Costs; Appropriating Funds for Applicable Reimbursements (\$75,000); and Authorizing City Manager to Execute Associated Landscape Maintenance Agreements with Caltrans and the Developer

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, January 5, 2005. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Lyman Chang, Associate Civil Engineer, at (209) 333-6800, extension 2665.



for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk